IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

RP.No. 1081 of 2007()

AGAINST THE JUDGEMENT IN WPC.5631/2006 Dated 19/09/2007
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REVIEW PETITIONER/3RD RESPONDENT

BHARTI AIRTEL LIMITED FORMERLY BHARTI TELE-VENTURES LIMITED, S.L.AVENUE, N.H.BYPASS, KUNDANNUR, KOCHI, REPRESENTED BY ITS HEAD-LEGAL, SRI. P.JAYABAL MENON.

BY ADV. SRI.SANTHOSH MATHEW

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 2
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1. MRS. SEENA AKBAR, W/O. HAMEED AKBAR, STAR GARDEN, CHETTICHIRA ROAD, KARANAKKODAM, KOCHI-682 019.

2. THRIKKAKARA GRAMA PANCHAYAT, THRIKKAKARA, KAKKANAD, REPRESENTED BY ITS SECRETARY.

3. P.M.BAKKER, S/O. MOIDEEN PILLAI, PALLIPARAMBIL HOUSE, PADAMUGAL, KAKKANAD, KOCHI-682 030.

BY ADV. SRI.G.HARIHARAN
SRI.K.K.THULACY BHAI
SRI.H.PRAVEEN
SRI.S.SHANAVAS KHAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

R.P. NO.1081/2007 IN

W.P.(C) NO. 5631 OF 2006-U

Dated 7th December, 2007.

ORDER

Balakrishnan Nair, J.

The petitioner seeks review of the judgment of this Court. Though two grounds are raised, only ground No.A is pressed. The petitioner submits, it has obtained No Objection Certificate from the Panchayat for erection of the telecommunication tower by remitting application fee of Rs.1,000/- and permit fee of Rs.10,000/-. If the building permit has to be obtained under the newly enforced Rules, namely, the Kerala Municipality Building Rules, 1999, the above amounts will have to be deposited again. Once the new Building Rules are enforced, any construction thereafter can only be made in conformity with the said Rules, which includes the necessity to obtain a building permit. But, whether the fee paid earlier for the NOC, based on which no construction could be carried out, can be treated as the fee for the permit, is a matter for the Panchayat to consider.

Leaving the said claim of the petitioner open, the Review Petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/